

Nebraska Minimal Effect Procedure

Worksheet Completed by: _____ Date: _____

Step 1. Project information

Landowner: _____

Address: _____

Location of proposed activity:

In the _____ of Section _____, Township _____, Range _____,

In _____ County, Nebraska. Tract No. _____, Field No. _____, Site No. _____.

Describe the proposed activity (provide specific details/dimensions):

Are there any existing restrictions on the property such as easements or permit conditions?

No ☐ Yes ☐ If "Yes" explain:

Step 2. Identify and characterize the wetland(s) to be impacted.

To proceed with the minimal effects procedure you must have the wetlands identified with a certified determination. Attach form NRCS-CPA-026e and map with impacted area identified.

Wetland landform: ☐ Intermittent Stream ☐ Riverine ☐ Sand Hills Wetlands
☐ Slope Wetlands ☐ Playa Wetlands ☐ other: _____

Step 3. (Red Flags) If any "Yes" - a minimal effect is not possible. Mitigation may be possible but will likely be difficult and/or extremely expensive. Functional analysis and appropriate permits are also needed for mitigation decisions. Will the proposed activity impact an area that is or has:

No ☐ Yes ☐ a fen or bog (> 8" organic matter)?

No ☐ Yes ☐ a saline wetland (type I/II)? <https://www.nwo.usace.army.mil/html/op-r/saline.htm>

No ☐ Yes ☐ a site used or occupied by Federal or state listed, proposed, or candidate threatened or endangered species or their critical habitat (i.e. whooping crane concentration area or western prairie fringed orchid meadow)?

No ☐ Yes ☐ a hazardous waste site identified by CERCLA (Comprehensive Environmental Responsibility Compensation & Liability Act)
<http://www.epa.gov/superfund/sites/npl/ne.htm>

No ☐ Yes ☐ a wetland created or restored to comply with federal, state, or local mitigation requirements?

If all "No" - proceed with Step 4.

Step 4. (Yellow Flags) If any "Yes" - clearance or permit must be obtained from appropriate authorities in order to proceed to **Step 5**. Attach copies of any authorization or permit obtained. Do any of the following conditions exist, at or near the site, that require further investigation and/or consultation with other federal, state, or local governments to determine whether or not the proposed action can be undertaken or if a modification is required:

- No ☐ Yes ☐ A ground water protection zone/over appropriated basin
No ☐ Yes ☐ A wellhead protection area (eFOTG Section 1)
No ☐ Yes ☐ Public water supplies or surface waters in reservoirs or springs
No ☐ Yes ☐ Other special environmental concerns that need addressed/recognized. List or check if applicable and attach pertinent documentation. For assistance in evaluation see the Evaluation Procedure Guide Sheets associated with the NE-CPA-52 Special Environmental Concerns.

- | | |
|--|--|
| <input type="checkbox"/> Clean Air Act | <input type="checkbox"/> Migratory Birds/ Bald and Golden Eagles |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Natural Areas |
| <input type="checkbox"/> Endangered & Threatened Species | <input type="checkbox"/> Prime and Unique Farmlands |
| <input type="checkbox"/> Environmental Justice | <input type="checkbox"/> Riparian Area |
| <input type="checkbox"/> Floodplain Management | <input type="checkbox"/> Scenic Beauty |
| <input type="checkbox"/> Invasive Species | <input type="checkbox"/> Wild & Scenic Rivers |
| <input type="checkbox"/> Other: _____ | |

If all "No" - proceed with **Step 5**.

Step 5. Is the activity eligible for a Nebraska specific expedited minimal effect determined to routinely have a minimal effect on wetland functions and values?

NOTE: *This determination has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination may not be valid for identifying the extent of the COE's Clean Water Act jurisdiction for this site if you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters. Another such requirement is compliance with Title 117 of Nebraska's Surface Water Quality Standards. The Nebraska Department of Environmental Quality (NDEQ) administers this regulation. These standards apply to all "Waters of the State", including isolated and adjacent wetlands, creeks, lakes, rivers, etc.*

Yes ☐ Check one then proceed to Appendix, document information, obtain signatures from landowner and NRCS, and attach to NE-CPA-FSA-9 form and the expedited minimal effect. A site specific functional assessment is not necessary.

- ☐ Center Pivot Travel Ways in Wetlands (see Appendix A)
- ☐ Fill of Drainage Feature – Pit/Ditch (see Appendix B)
- ☐ Grassed Waterway Construction in Wetlands (see Appendix C)
- ☐ Invasive Tree Removal from Wetlands (see Appendix D)
- ☐ Minor Channel Maintenance in Stream Channels (see Appendix E)
- ☐ Stream Crossings (see Appendix F)
- ☐ Tree Removal from Playa Wetlands (see Appendix G)
- ☐ Wetland Pumping – Health and Safety (see Appendix H)

No ☐ A site specific functional assessment must be completed for the landform listed in **Step 2**, then proceed to **Step 6**.

Step 6. Minimal effect decision as indicated by the functional assessment worksheet. (check the appropriate decision):

☐ **Minimal Effect granted:** Effect is MINIMAL and qualifies for a minimal effect exemption (MW). Proceed to Step 7.

☐ **Minimal Effect granted WITH conditions:** Effect is MINIMAL and qualifies for a minimal effect exemption (MW) as long as specific conditions identified on the functional assessment worksheet offset losses in functions and values. Proceed to Step 8.

☐ **NO Minimal Effect granted**

Effect is NOT MINIMAL and does not qualify for a minimal effect exemption. MITIGATION WILL BE DIFFICULT OR IMPRACTICAL TO ACHIEVE. If client wishes to proceed with alternative then a mitigation plan must be developed.

Step 7. If there are no additional special conditions associated with the proposed activity a minimal effect agreement is not required and proceed to Step 9. If there are special conditions then proceed to Step 8.

Step 8. Develop a minimal effect agreement with specific conditions (i.e. establish buffer strips, place fill in non-wetland area, etc.) necessary to meet and/or maintain the minimal effect exemption (MW). Attach applicable functional assessment worksheets.

Agreements must specify that the exemption applies only for Food Security Act and NRCS purposes. An agreement must be signed by the person before granting the exemption and finalizing the NRCS-CPA-026e.

If an agreement is required, stipulate the terms and conditions that the client conducting the activity must comply with in order to meet the requirements of the exemption. Items that should be specifically addressed include:

- (i) Existing easement or permit restrictions.
- (ii) Location of the wetland subject to the minimal effect determination.
- (iii) Limitations and conditions, on the extent of the activities.
- (iv) Operation and maintenance of any structures.
- (v) Signature of the participant and NRCS.
- (vi) Date of signature.
- (vii) Duration of agreement.

Conditions in the minimal effect agreement may require monitoring by NRCS to ensure that the person meets and maintains the requirements of the exemption. Any monitoring requirements will be included in the agreement.

If a violation of the minimal effect agreement occurs, both of the following apply:

- (i) NRCS will request an FSA-569 from FSA.
- (ii) The minimal effect exemption is invalid and wetlands to which it applies will be relabeled CW+year.

Notification to Participant: NRCS will notify the person of the determination in writing. This letter will specify that the MW exemption applies only for Food Security Act purposes. The letter will also state that any wetland manipulations or activities remain subject to Federal, State, or local restrictions, existing easements of record, or permit restrictions on the property and activity in question. The NRCS representative shall issue a revised NRCS-CPA-026e and certified wetland determination map to the person indicating the area is MW.

FSA Notification: Provide FSA a copy of the revised NRCS-CPA-026e and certified wetland determination map.

Step 9. By signing this you agree that the proposed activity in Step 1 is the extent and scope of the proposed activity. After signature is obtained issue a revised NRCS-CPA-026e and certified wetland determination map to indicate the area is MW. Attach applicable functional assessment worksheets.

LANDOWNER

DATE

NATURAL RESOURCES CONSERVATION SERVICE

DATE

NE EXPEDITED MINIMAL EFFECT: CENTER PIVOT TRAVEL WAYS IN WETLANDS

(Landowner Name)

(Address)

(Phone)

This agreement stipulates the terms that must be met in order to receive a minimal effect (MW) determination. I, the Landowner, understand that complying with this agreement will maintain this designation. The affected wetland is located in the _____ of Section _____, Township _____, Range _____, in _____ County, Nebraska as shown on the attached map. I hereby agree that the terms of this agreement must be followed and maintained to the satisfaction of the USDA Natural Resources Conservation Service (NRCS). I agree to provide USDA personnel the right of access to the wetland involved in order to verify compliance with this agreement.

Terms:

1. The landowner will build the center pivot travel ways through the wetland as designated on the attached map at the locations indicated.
2. Two basic designs are acceptable for center pivot travel ways.
Check "✓" the selected design (A or B) and attach any drawings or specifications as needed.
 - ☐ A. Filled Track or Wooden/Metal Pathway Construction:
 - ◆ Wheel tracks through the wetland area may be lined with filter fabric as needed.
 - ◆ Material placed in the wheel tracks will not be higher than the adjacent area.
 - ◆ Width of the fill placed in the wheel track will not exceed 3 feet.
 - ◆ Material to be used may consist of rock, gravel, clean broken concrete, concrete blocks, compacted soil, metal beams, or treated wood (CCA or ACQ only).
 - ☐ B. Elevated Earthen Berm Construction:
 - ◆ Total wetland area impacted by fill placement will not exceed 0.5 acres per center pivot system
 - ◆ Height will not exceed 3 feet.
 - ◆ Side slopes will be 2.5:1 or steeper.
 - ◆ Top width will not exceed 6 feet.
 - ◆ Bottom width will not exceed 18 feet.
 - ◆ Culverts (at ground level) or bridged openings (8" diameter/width minimum) will be installed in all berms to allow water to flow from one side to the other.
 - ◆ Crossings that span channels (defined bed and bank) will provide for culverts or bridged openings that match the dimensions of the existing channel capacity and will be installed according to the requirements noted in the Culverts Design Procedure for Fish Passage (FOTG Standard 396DP).
 - ◆ Fill used to construct berms will be obtained from a non-wetland area (unless otherwise approved in the design) and will be the minimum amount necessary for proper construction.
 - ◆ Berms will be seeded to adapted, native vegetation (introduced legumes are permitted) or allowed to become naturally vegetated to wetland plants.
3. The landowner will not conduct any additional tiling, ditching, diking, filling, excavating, or other modification to the areas delineated as minimal effect wetland (MW) without prior written approval of the NRCS.
4. The landowner will obtain any and all required permits, easements, or letters of authorization from others as needed prior to conducting the planned activity. Documentation of approval/consent from these entities will be provided to NRCS. (i.e. correspondence from U.S. Army Corps of Engineers, CWA 404 permits)
5. The landowner will notify the NRCS within 30 days of project completion.

SIGNATURES

This minimal effect determination (MW) is effective when signed by the landowner and NRCS. Failure to comply with any terms of this agreement will result in the removal of the minimal effect designation (MW) and the affected area would thereafter be considered converted wetland. The landowner will complete all terms of this agreement within one year of the date the Natural Resources Conservation Service representative signs the agreement.

LANDOWNER

DATE

NATURAL RESOURCES CONSERVATION SERVICE

DATE

DATE THAT ALL TERMS OF THIS AGREEMENT MUST BE COMPLETED BY: _____

**NEBRASKA EXPEDITED MINIMAL EFFECT:
FILL OF DRAINAGE FEATURE (PIT/DITCH)**

(Landowner Name)

(Address)

(Phone)

This agreement stipulates the terms that must be met in order to receive a minimal effect (MW) determination. I, the Landowner, understand that complying with this agreement will maintain this designation. The affected wetland is located in the _____ of Section _____, Township _____, Range _____, in _____ County, Nebraska as shown on the attached map. I hereby agree that the terms of this agreement must be followed and maintained to the satisfaction of the USDA Natural Resources Conservation Service (NRCS). I agree to provide USDA personnel the right of access to the wetland involved in order to verify compliance with this agreement.

Terms:

1. The landowner will document the current location and extent of the existing drainage feature on an aerial photo and a Scope and Effect Worksheet or other template prior to initiating the filling activity. This information, along with any plans for the proposed activity, will be attached to this agreement.
2. The landowner will place soil (no other materials such concrete, trees, etc. are allowed unless specifically approved) into the drainage feature to the extent that the fill does not exceed the elevation of the original (natural) ground surface immediately adjacent to the pit or ditch (excludes man-made dikes or berms). Fill material will not be obtained from any wetland area unless otherwise authorized in the attached plan.
3. The landowner will not conduct any additional tiling, ditching, diking, filling, excavating, or other modification to the areas delineated as minimal effect wetland (MW) without prior written approval of the NRCS.
4. The landowner will obtain any and all required permits, easements, or letters of authorization from others as needed prior to conducting the planned activity. Documentation of approval/consent from these entities will be provided to NRCS. (i.e. correspondence from U.S. Army Corps of Engineers, CWA 404 permits)
5. The landowner will notify the NRCS at least 14 days prior to the commencement of the project.
6. The landowner will notify the NRCS within 30 days of project completion.

SIGNATURES

This minimal effect determination (MW) is effective when signed by the landowner and NRCS. Failure to comply with any terms of this agreement will result in the removal of the minimal effect designation (MW) and the affected area would thereafter be considered converted wetland. The landowner will complete all terms of this agreement within one year of the date the Natural Resources Conservation Service representative signs the agreement.

LANDOWNER

DATE

NATURAL RESOURCES CONSERVATION SERVICE

DATE

DATE THAT ALL TERMS OF THIS AGREEMENT MUST BE COMPLETED BY: _____

**NEBRASKA EXPEDITED MINIMAL EFFECT:
GRASSED WATERWAY CONSTRUCTION IN WETLANDS**

(Landowner Name)

(Address)

(Phone)

This agreement stipulates the terms that must be met in order to receive a minimal effect (MW) determination. I, the Landowner, understand that complying with this agreement will maintain this designation. The affected wetland is located in the _____ of Section _____, Township _____, Range _____, in _____ County, Nebraska as shown on the attached map. I hereby agree that the terms of this agreement must be followed and maintained to the satisfaction of the USDA Natural Resources Conservation Service (NRCS). I agree to provide USDA personnel the right of access to the wetland involved in order to verify compliance with this agreement.

Terms:

1. The design of the grassed waterway will meet the NRCS Grassed Waterway standard (FOTG 412) as described in the Field Office Technical Guide. The grassed waterway design must also meet the following requirements:
 - ◆ channel grade cannot be less than one percent and must follow the approximate original flowline
 - ◆ bottom of the grassed waterway shall be no deeper than two feet below the adjacent ground level and all excavated material will be placed in a non-wetland area
 - ◆ use of underground outlets or subsurface drains are not permitted with this minimal effect agreement
2. The landowner will construct the grassed waterway through the wetland as shown on the attached map and according to the attached design. Checkout of the grassed waterway will be performed by the NRCS to assure it is completed as designed.
3. The landowner will establish and maintain buffer strips adjacent to both sides of the grassed waterway when the average width of the wetland is greater than the top width of the planned waterway. The minimum buffer strip width on each side of the waterway may be the lesser of either 30 feet **or** ½ wetland width minus the ½ top width of the waterway. Select the appropriate size:

☐ None, ☐ 5 Feet, ☐ 10 Feet, ☐ 15 Feet, ☐ 20 Feet, ☐ 25 Feet, ☐ 30 Feet,

4. The grassed waterway will be seeded to adapted native perennial vegetation as required by the Grassed Waterway standard and the Critical Area Planting standard (FOTG 342). Provide documentation using NE-CPA-8 Grass Seeding Job Sheet.
5. All required buffer strips will be seeded to adapted, native perennial vegetation (introduced legumes are permitted) as specified by NRCS within the Filter Strip standard (FOTG 393). Provide documentation using NE-CPA-8 Grass Seeding Job Sheet.
6. The grassed waterway and the adjacent buffer strips will not be hayed, mowed, grazed or burned during the primary nesting period (May 1 through July 15) of each year.
7. The landowner will not conduct any additional tiling, ditching, diking, filling, excavating, or other modification to the areas delineated as minimal effect wetland (MW) without prior written approval of the NRCS.
8. The landowner will obtain any and all required permits, easements, or letters of authorization from others as needed prior to conducting the planned activity. Documentation of approval/consent from these entities will be provided to NRCS. (i.e. correspondence from U.S. Army Corps of Engineers, CWA 404 permits)
9. The landowner will notify the NRCS within 30 days of project completion.

SIGNATURES

This minimal effect determination (MW) is effective when signed by the landowner and NRCS. Failure to comply with any terms of this agreement will result in the removal of the minimal effect designation (MW) and the affected area would thereafter be considered converted wetland. The landowner will complete all terms of this agreement within one year of the date the Natural Resources Conservation Service representative signs the agreement.

LANDOWNER

DATE

NATURAL RESOURCES CONSERVATION SERVICE

DATE

DATE THAT ALL TERMS OF THIS AGREEMENT MUST BE COMPLETED BY: _____

**NEBRASKA EXPEDITED MINIMAL EFFECT:
INVASIVE TREE REMOVAL FROM WETLANDS**

(Landowner Name)

(Address)

(Phone)

This agreement stipulates the terms that must be met in order to receive a minimal effect (MW) determination. I, the Landowner, understand that complying with this agreement will maintain this designation. The affected wetland is located in the _____ of Section _____, Township _____, Range _____, in _____ County, Nebraska as shown on the attached map. I hereby agree that the terms of this agreement must be followed and maintained to the satisfaction of the USDA Natural Resources Conservation Service (NRCS). I agree to provide USDA personnel the right of access to the wetland involved in order to verify compliance with this agreement.

Terms:

1. The landowner will remove invasive trees/shrubs from within the designated wetland(s) as shown on the attached map. If appropriate for the selected control method stumps may also be removed. This agreement is only applicable to the following species: saltcedar or tamarisk (*Tamarix* spp.) and Russian olive (*Elaeagnus angustifolia*). Eastern red cedar (*Juniperus virginiana*) that occupy floodplains may also be removed but are typically not found within the wetland boundary. Existing native tree and shrub species will be left in place.
2. The landowner will not place soil, trees, branches, or stumps in any wetland area. Any soil displaced during stump removal must be replaced to match original grade and topography of the site.
3. The site must remain in permanent vegetation and can not be used for the production of an agricultural commodity.
4. The landowner will not conduct any additional tiling, ditching, diking, filling, excavating, or other modification to the areas delineated as minimal effect wetland (MW) without prior written approval of the NRCS.
5. The landowner will obtain any and all required permits, easements, or letters of authorization from others as needed prior to conducting the planned activity. Documentation of approval/consent from these entities will be provided to NRCS. (i.e. correspondence from U.S. Army Corps of Engineers, CWA 404 permits)
6. Impacts to migratory birds must be addressed for work during the nesting period (April 1 thru July 15, See NE-CPA-52 Migratory Birds/Bald and Golden Eagles Guide Sheet).
7. The landowner will notify the NRCS within 30 days of project completion.

SIGNATURES

This minimal effect determination (MW) is effective when signed by the landowner and NRCS. Failure to comply with any terms of this agreement will result in the removal of the minimal effect designation (MW) and the affected area would thereafter be considered converted wetland. The landowner will complete all terms of this agreement within one year of the date the Natural Resources Conservation Service representative signs the agreement.

LANDOWNER

DATE

NATURAL RESOURCES CONSERVATION SERVICE

DATE

DATE THAT ALL TERMS OF THIS AGREEMENT MUST BE COMPLETED BY: _____

**NEBRASKA EXPEDITED MINIMAL EFFECT:
MINOR CHANNEL MAINTENANCE IN STREAM CHANNELS**

(Landowner Name)

(Address)

(Phone)

Area of Application: This agreement is for use on naturally-occurring stream channels generally with 1% grade or less (meandering channel must be evident on a pre-1985 photo) which have been impacted by excessive siltation from surrounding uplands. Channels/ditches which were previously manipulated prior to 1985 can be maintained as documented on a Scope and Effect Worksheet.

This agreement stipulates the terms that must be met in order to receive a minimal effect (MW) determination. I, the Landowner, understand that complying with this agreement will maintain this designation. The affected wetland is located in the _____ of Section _____, Township _____, Range _____, in _____ County, Nebraska as shown on the attached map. I hereby agree that the terms of this agreement must be followed and maintained to the satisfaction of the USDA Natural Resources Conservation Service (NRCS). I agree to provide USDA personnel the right of access to the wetland involved in order to verify compliance with this agreement.

Terms:

1. Prior to any excavation, the landowner will provide the NRCS with:
 - ◆ an aerial photograph showing the location of the naturally-occurring stream channel to be maintained and planned locations for spoil piles (including breaks and adjacent floodplain wetlands)
 - ◆ a cross section of the existing channel profile immediately upstream and downstream of the project area and the planned channel profile
2. The landowner can excavate a channel following the original flow line according to the following:
 - ◆ bottom of the excavated channel shall be no deeper than the depth of the original channel prior to excessive siltation or two feet below the adjacent ground level, whichever is less; specify depth ____ ft.
 - ◆ top width of the channel shall be no wider than the width of the original channel prior to excessive siltation or 20 feet wide, whichever is less; specify width ____ ft.
 - ◆ side slopes shall be between 2.5:1 and 4:1
 - ◆ channel will be constructed in a parabolic shape
3. The landowner will dispose of all excavated material in non-wetland areas. All spoil placed along the channel (in non-wetland areas) in the form of a berm will meet the following conditions:
 - ◆ bottom width of the berm will not exceed 12 feet
 - ◆ berm will be broken at least every 100 feet to allow lateral runoff into the channel
 - ◆ excavated material may not be placed along both sides of the channel in the same area
 - ◆ berms will not be placed to prevent out-of-channel flow from entering floodplain wetlands
 - ◆ berms within the required buffer strip must be seeded
4. The landowner will maintain a 30 foot wide buffer strip adjacent to each side of the top edge of the channel. If site needs buffer strips established then adapted, native perennial vegetation (introduced legumes are permitted) will be used to establish the buffer strips. The buffer strips will be maintained in perennial vegetation even if adjacent lands are cropped. Provide documentation using NE-CPA-8 Grass Seeding Job Sheet.
5. The landowner will not conduct any additional tiling, ditching, diking, filling, excavating, or other modification to the areas delineated as minimal effect wetland (MW) without prior written approval of the NRCS.
6. The landowner will obtain any and all required permits, easements, or letters of authorization from others as needed prior to conducting the planned activity. Documentation of approval/consent from these entities will be provided to NRCS. (i.e. correspondence from U.S. Army Corps of Engineers, CWA 404 permits)
7. The landowner will notify the NRCS within 30 days of project completion.

SIGNATURES

This minimal effect determination (MW) is effective when signed by the landowner and NRCS. Failure to comply with any terms of this agreement will result in the removal of the minimal effect designation (MW) and the affected area would thereafter be considered converted wetland. The landowner will complete all terms of this agreement within one year of the date the Natural Resources Conservation Service representative signs the agreement.

LANDOWNER

DATE _____

NATURAL RESOURCES CONSERVATION SERVICE

DATE _____

DATE THAT ALL TERMS OF THIS AGREEMENT MUST BE COMPLETED BY:

**NEBRASKA EXPEDITED MINIMAL EFFECT:
STREAM CROSSINGS**

(Landowner Name)

(Address)

(Phone)

This agreement stipulates the terms that must be met in order to receive a minimal effect (MW) determination. I, the Landowner, understand that complying with this agreement will maintain this designation. The affected wetland is located in the _____ of Section _____, Township _____, Range _____, in _____ County, Nebraska as shown on the attached map. I hereby agree that the terms of this agreement must be followed and maintained to the satisfaction of the USDA Natural Resources Conservation Service (NRCS). I agree to provide USDA personnel the right of access to the wetland involved in order to verify compliance with this agreement.

Terms:

1. The landowner will build a stream crossing through the wetland/stream designated on the attached map at the approximate location indicated for the purpose of providing access for livestock and/or farm equipment.
2. The total area impacted by placement or excavation of fill material cannot exceed 1/10th of an acre in size and the total volume of fill material placed within the wetland and below the ordinary high water mark of the stream cannot exceed 10 cubic yards per crossing.
3. The crossing will be located in a straight, stable reach of the stream. Installation of materials will not result in the impoundment of additional surface water or the diversion of linear flow within the wetland/stream system.
4. Two basic designs are acceptable for stream crossings. Check "✓" the selected design (A or B) and attach any drawings or specifications as needed.
 - ☐ A. Low Water Crossing/Ford Construction:
 - ◆ Width of the crossing will match the bankfull width of the natural channel.
 - ◆ Installation will occur within the stream bed to avoid any overfalls which would impede movements of aquatic species within the channel.
 - ◆ Provide a concentration zone in the middle of the crossing to maintain adequate depth for aquatic species to use during low-flow periods.
 - ◆ Material to be used may consist of rock, aggregate confined in geocells, gabions, concrete planks, asphalt, masonry, or massive concrete slabs.
 - ◆ Install according to the requirements noted in Stream Crossing standard (FOTG Standard 578).
 - ☐ B. Earthen Berm with Culvert Construction:
 - ◆ Fill used to construct berms will be obtained from a non-wetland area (unless otherwise approved in the design) and will be the minimum amount necessary for proper construction.
 - ◆ Crossings that span channels (defined bed and bank) will provide for culverts or bridged openings that match the dimensions of the existing channel capacity and will be installed according to the requirements noted in the Culverts Design Procedure for Fish Passage (FOTG Standard 396DP).
 - ◆ Berms will be seeded to adapted, native vegetation (introduced legumes are permitted) or allowed to become naturally vegetated to wetland plants.
5. The landowner will not conduct any additional tiling, ditching, diking, filling, excavating, or other modification to the areas delineated as minimal effect wetland (MW) without prior written approval of the NRCS.
6. The landowner will obtain any and all required permits, easements, or letters of authorization from others as needed prior to conducting the planned activity. Documentation of approval/consent from these entities will be provided to NRCS. (i.e. correspondence from U.S. Army Corps of Engineers, CWA 404 permits)
7. The landowner will notify the NRCS within 30 days of project completion.

SIGNATURES

This minimal effect determination (MW) is effective when signed by the landowner and NRCS. Failure to comply with any terms of this agreement will result in the removal of the minimal effect designation (MW) and the affected area would thereafter be considered converted wetland. The landowner will complete all terms of this agreement within one year of the date the Natural Resources Conservation Service representative signs the agreement.

LANDOWNER

DATE

NATURAL RESOURCES CONSERVATION SERVICE

DATE

DATE THAT ALL TERMS OF THIS AGREEMENT MUST BE COMPLETED BY: _____

**NEBRASKA EXPEDITED MINIMAL EFFECT:
TREE REMOVAL FROM PLAYA WETLANDS**

(Landowner Name)

(Address)

(Phone)

This agreement stipulates the terms that must be met in order to receive a minimal effect (MW) determination. I, the Landowner, understand that complying with this agreement will maintain this designation. The affected wetland is located in the _____ of Section _____, Township _____, Range _____, in _____ County, Nebraska as shown on the attached map. I hereby agree that the terms of this agreement must be followed and maintained to the satisfaction of the USDA Natural Resources Conservation Service (NRCS). I agree to provide USDA personnel the right of access to the wetland involved in order to verify compliance with this agreement.

Terms:

1. The landowner may remove trees (including stumps as needed) from within the designated wetland(s) as shown on the attached map. Maximum excavation depth of 1 foot. Any soil displaced during stump removal must be replaced and compacted to match original grade and topography of the site.
2. The landowner will not place soil, trees, branches, or stumps in any wetland area.
3. The landowner will not conduct any additional tiling, ditching, diking, filling, excavating, or other modification to the areas delineated as minimal effect wetland (MW) without prior written approval of the NRCS.
4. The landowner will obtain any and all required permits, easements, or letters of authorization from others as needed prior to conducting the planned activity. Documentation of approval/consent from these entities will be provided to NRCS. (i.e. correspondence from U.S. Army Corps of Engineers, CWA 404 permits)
5. Impacts to migratory birds must be addressed for work during the nesting period (April 1 thru July 15, See NE-CPA-52 Migratory Birds/Bald and Golden Eagles Guide Sheet).
6. The landowner will notify the NRCS within 30 days of project completion.

SIGNATURES

This minimal effect determination (MW) is effective when signed by the landowner and NRCS. Failure to comply with any terms of this agreement will result in the removal of the minimal effect designation (MW) and the affected area would thereafter be considered converted wetland. The landowner will complete all terms of this agreement within one year of the date the Natural Resources Conservation Service representative signs the agreement.

LANDOWNER

DATE

NATURAL RESOURCES CONSERVATION SERVICE

DATE

DATE THAT ALL TERMS OF THIS AGREEMENT MUST BE COMPLETED BY: _____

**NEBRASKA EXPEDITED MINIMAL EFFECT:
WETLAND PUMPING – HEALTH AND SAFETY**

(Landowner Name)

(Address)

(Phone)

This agreement stipulates the terms that must be met in order to receive a minimal effect (MW) determination. I, the Landowner, understand that complying with this agreement will maintain this designation. The affected wetland is located in the _____ of Section _____, Township _____, Range _____, in _____ County, Nebraska as shown on the attached map. I hereby agree that the terms of this agreement must be followed and maintained to the satisfaction of the USDA Natural Resources Conservation Service (NRCS). I agree to provide USDA personnel the right of access to the wetland involved in order to verify compliance with this agreement.

Terms:

1. For health and safety reasons, the landowner may pump water from the wetland designated on the attached map. Pumping will be allowed for health and safety reasons if needed to alleviate or prevent damage to personal or public property including existing wells, septic fields, domestic residences, corrals, feedlots, bridges, or roads because of unusually high water levels that exceed the wetland hydric soil boundaries. Pumping to prevent saturation or inundation of cropland, hayland, pastureland, rangeland, or other land that does not contain any of the above listed property is not authorized under this agreement.
2. Pumping may be done between the dates of _____ and _____ only (include year). Pumping is only authorized for the time period specified. **This agreement does not give authorization to conduct annual pumping.**
3. Water may be pumped no lower than _____ in order to alleviate the health or safety concern (identify the elevation point or landmark, i.e. two feet lower than road surface or stake placed at site).
4. Water must be pumped to the location designated on the attached map.
5. The landowner is responsible for obtaining permission from any individuals or groups such as neighbors, county officials, or state agencies that might be adversely impacted by the pumping.
6. The landowner will not conduct any additional tiling, ditching, diking, filling, excavating, or other modification to the areas delineated as minimal effect wetland (MW) without prior written approval of the NRCS.
7. The landowner will obtain any and all required permits, easements, or letters of authorization from others as needed prior to conducting the planned activity. Documentation of approval/consent from these entities will be provided to NRCS. (i.e. correspondence from U.S. Army Corps of Engineers, CWA 404 permits)
8. The landowner will notify the NRCS within 30 days of project completion.

SIGNATURES

This minimal effect determination (MW) is effective when signed by the landowner and NRCS. Failure to comply with any terms of this agreement will result in the removal of the minimal effect designation (MW) and the affected area would thereafter be considered converted wetland. The landowner will complete all terms of this agreement within one year of the date the Natural Resources Conservation Service representative signs the agreement.

LANDOWNER

DATE

NATURAL RESOURCES CONSERVATION SERVICE

DATE

DATE THAT ALL TERMS OF THIS AGREEMENT MUST BE COMPLETED BY: _____